

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chart Riggall	Team: Squad #4	CCRB Case #: 201803568	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/08/2018 8:30 AM	Location of Incident: 63rd Precinct stationhouse	Precinct: 63	18 Mo. SOL 11/8/2019	EO SOL 11/8/2019	
Date/Time CV Reported Tue, 05/08/2018 9:23 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/08/2018 9:23 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Bourne	18854	958321	063 PCT
2. POF Ronette Benjamin	07476	936194	063 PCT
3. SGT Peter Behan	02140	947896	063 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Matthew Niemeyer	04871	937182	060 PCT
2. POM Sergio Martins	19109	964146	063 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Ronette Benjamin	Discourtesy: Police Officer Ronette Benjamin spoke discourteously to § 87(2)(b)	
B.SGT Peter Behan	Discourtesy: Sergeant Peter Behan spoke discourteously to § 87(2)(b)	
C.POM Jonathan Bourne	Discourtesy: Police Officer Jonathan Bourne spoke discourteously to § 87(2)(b)	

Case Summary

On May 8, 2018, § 87(2)(b) filed this complaint with the CCRB by phone.

On May 8, 2018 at approximately 8:30 AM, at the 63rd Precinct stationhouse, PO Ronette Benjamin, Sgt. Peter Behan, and PO Jonathan Bourne spoke discourteously to § 87(2)(b) (**Allegations A, B, C: Discourtesy**, § 87(2)(g)).

Video surveillance footage from the 63rd Precinct stationhouse was obtained but does not capture the allegation. The footage is located in IA 23, and is discussed below.

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Ronette Benjamin spoke discourteously to

§ 87(2)(b)

Allegation (B) Discourtesy: Sergeant Peter Behan spoke discourteously to

§ 87(2)(b)

It is undisputed that at approximately 8:30 AM on May 8, 2018, § 87(2)(b) and his § 87(2)(b)-old son went to the 63rd Precinct stationhouse to complain about traffic summonses he received on the previous day. § 87(2)(b) spoke with a number of officers, including PO Jonathan Bourne, PO Ronette Benjamin, and Sgt. Peter Behan.

§ 87(2)(b) (Board Review 01) said that while he attempted to speak with an officer who had been on scene when he received his summonses, PO Ronette Benjamin interrupted him. PO Benjamin told § 87(2)(b) that officers were too busy to answer his questions, and § 87(2)(b) responded that she had not been at the scene, and would not know which officers were involved. PO Benjamin responded, “You’re a fucking asshole. You’re an ass.” PO Benjamin then left the stationhouse through the front doors.

Another officer, Sgt. Peter Behan, approached § 87(2)(b) from behind the desk area of the stationhouse and told him that he was being disrespectful. § 87(2)(b) attempted to dispute this, and Sgt. Behan said, “Get the fuck out of here.” § 87(2)(b) said that while he was upset during this conversation, he was not shouting at or berating the officers involved. § 87(2)(b) left the stationhouse to speak with PO Benjamin.

Surveillance footage from the lobby of the 63rd Precinct stationhouse (Board Review 02) is embedded below. The video shows the gated visitor area immediately inside the stationhouse’s front doors. Although the video does not have audio, it depicts § 87(2)(b) speaking, in an evidently calm manner, with PO Sergio Martins. At the 1:13 mark, PO Benjamin speaks to § 87(2)(b) and § 87(2)(b) turns towards her. They continue to converse until the 1:30 mark, both in an evidently calm demeanor, until PO Benjamin walks out of the stationhouse. At the 1:54 mark, Sgt. Behan approaches the visitor area from the left side of the screen, and begins repeatedly pointing at and talking to § 87(2)(b). § 87(2)(b) gesticulates towards Sgt. Behan, and both men appear to raise their voices and become progressively more agitated, § 87(2)(b) more so. They converse until the 2:40 mark, when § 87(2)(b) exits the building. The video also captures the presence of Sgt. Niemeyer from the 2:20 mark onward.



201803568_20180613_1505_DM.mp4

PO Benjamin (Board Review 03) said that she did not know precisely why § 87(2)(b) had come to the stationhouse, but recalled that he was agitated and raised his voice. She did not initially recall having any conversation with § 87(2)(b) inside the stationhouse. After viewing the above footage, PO Benjamin acknowledged speaking with § 87(2)(b) in the stationhouse. She said that she was likely informing § 87(2)(b) how to file a CCRB complaint, as the officer he was speaking with, PO Martins, was a new officer and may not have been familiar with the proper procedure. PO Benjamin added that she had been on a personal cell phone call while speaking with § 87(2)(b). It was possible, she said, that she had used profanity in the course of her phone call, but only to the extent that one might use profanity in casual conversation. She did not recall any specific statements that she might have made. She denied ever calling § 87(2)(b) an “ass” or a “fucking asshole” and denied directing any profanity toward him.

Sgt. Behan (Board Review 04) said that he determined that he needed to intervene in the situation when § 87(2)(b) began yelling at officers to such an extent that it became a disruption. Sgt. Behan told § 87(2)(b) that he would need to leave the stationhouse if he did not lower his voice. After § 87(2)(b) refused to do so, Sgt. Behan instructed him to leave. Sgt. Behan denied telling § 87(2)(b) to “Get the fuck out of here,” denied using any profanity towards § 87(2)(b) and denied hearing any other officer do so.

Sgt. Niemeyer (Board Review 05) provided testimony generally consistent with that of Sgt. Behan.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Jonathan Bourne spoke discourteously to

§ 87(2)(b)

It is undisputed that § 87(2)(b) exited the stationhouse on to Brooklyn Avenue and attempted to locate PO Benjamin. In front of the stationhouse, § 87(2)(b) encountered PO Bourne, who was waiting to carpool to court with other officers. § 87(2)(b) asked PO Bourne where PO Benjamin had gone; PO Bourne responded that he did not know. § 87(2)(b) then walked south on Brooklyn Avenue and spoke with PO Benjamin roughly 150 feet from the stationhouse doors. § 87(2)(b) told PO Benjamin that she had cursed at him, which she denied. § 87(2)(b) then walked back to his car, which was parked across the street from the stationhouse, where he had a conversation with PO Bourne before leaving.

§ 87(2)(b) said that during this conversation, he attempted to open the driver’s door of the car when PO Bourne slammed it shut. PO Bourne yelled at § 87(2)(b) saying, “What’s all that shit you were saying?” and, “Get the fuck out of here.” § 87(2)(b) attempted to pull out his phone and record, but PO Bourne walked away. § 87(2)(b) then left the area.

Surveillance footage from the front exterior of the 63rd Precinct stationhouse is embedded below. The camera points south on Brooklyn Avenue, and includes the front door of the stationhouse within the frame. The video does not have audio. From the 0:00 mark to the 0:22 mark, PO Benjamin can be seen walking toward the stationhouse as § 87(2)(b) crosses Brooklyn Avenue to return to his car. PO Bourne, PO Martins, and PO Thomas Podd can be seen walking south on the sidewalk towards PO Benjamin. At the 0:24 mark, PO Bourne crosses the street and approaches § 87(2)(b) meeting him near § 87(2)(b) car at 0:32. They converse for

a few seconds, and § 87(2)(b) gets in his car at the 0:39 mark. At the 0:40 mark, PO Bourne closes § 87(2)(b) car door and walks back to the stationhouse.



201803568_20180613_1513_DM.mp4

PO Bourne (Board Review 06) said that he observed § 87(2)(b) yelling and cursing at PO Benjamin as they walked back toward the stationhouse. PO Bourne walked towards § 87(2)(b) and told him that he needed to leave the premises. § 87(2)(b) then cursed at PO Bourne, using “fuck” and calling PO Bourne “nigga.” PO Bourne repeated to § 87(2)(b) that he needed to leave, until § 87(2)(b) did so.

PO Benjamin said that she was not in a position to overhear any part of what § 87(2)(b) and PO Bourne said to one another.

§ 87(2)(g)

Civilian and Officer CCRB Histories

§ 87(2)(b)

- Police Officer Ronette Benjamin has been a member of service for thirteen years and has been a subject in six CCRB complaints with six allegations, none of which was substantiated. § 87(2)(g)
- Sergeant Peter Behan has been a member of service for nine years and has been a subject in four CCRB complaints with five allegations, none of which was substantiated. § 87(2)(g)
- Police Officer Jonathan Bourne has been a member of service for three years and has been a subject in six CCRB complaints with sixteen allegations, none of which was substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not eligible for mediation as § 87(2)(b)
- On July 23, 2018, a FOIL request with the New York City Comptroller’s office returned negative results (Board Review 07).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date